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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

ORTIZ CRIADO, JORGE L

ART UNIT	PAPER NUMBER
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2655

DATE MAILED: 06/30/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/914,229

Applicant(s)

KAJI, TOSHIHIKO

Examiner

Jorge L Ortiz-Criado

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Specification

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claims 1-12 recites the limitation terminology of “track jump” and the terms and phrases used in the claims must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description. There is insufficient antecedent basis for this limitation in the specification.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Kang et al. U.S. patent No. 6,552,973.

Regarding claim 1, Kang et al. discloses an optical disk device comprising a control section for controlling track hold of a pickup with respect to an optical disk recording medium, wherein the control section is for measuring an offset amount of a lens relative to the center of

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the pickup, and performing a track jump when the measured offset amount is not greater than a predetermined value (See Abstract, See col. 2, lines 28-60, col. 4, lines 4-64, col. 5, line 42 to col. 6, line 61; Figs. 2,3,4,9,10,11,12,13)

Regarding claim 2, Kang et al. discloses wherein control section is for comparing the predetermined value with the measured offset amount and changing the predetermined value depending on a number of tracks to be jumped by said track jump. (See col. 5, line 42 to col. 6, line 61; Figs. 12,13)

Regarding claim 3, Kang et al. discloses an optical disk device comprising a control section for controlling track hold of a pickup with respect to an optical disk recording medium, wherein in order to carry out tracking after said control section performs a track jump, the control section is for measuring an offset amount of a lens relative to the center of the pickup, and not performing tracking processing until the offset amount is not greater than a predetermined value (See Abstract, See col. 2, lines 28-60, col. 4, lines 4-64, col. 5, line 42 to col. 6, line 61; Figs. 2,3,4,9,10,11,12,13)

Regarding claim 4, Kang et al. discloses an optical disk device comprising a control section for controlling track hold of a pickup with respect to an optical disk recording medium, wherein the control section is for measuring an offset amount of a lens relative to the center of the pickup a plurality of times, and for performing a track jump when the offset amount is reduced each time of the measurements to a predetermined value within a predetermined range

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(See Abstract, See col. 2, lines 28-60, col. 4, lines 4-64, col. 5, line 42 to col. 6, line 61; Figs. 2,3,4,9,10,11,12,13)

Regarding claim 5, Kang et al. discloses wherein the control section is for changing the predetermined value and for comparing the predetermined value with the offset amounts measured several times depending on a number of tracks to be jumped by said track jump. (See col. 5, line 42 to col. 6, line 61; Figs. 2,3,4,9,10,11,13)

Regarding claim 6, Kang et al. discloses wherein the control section is for storing a measured maximum offset amount as an eccentricity amount of an optical disk in use (See Abstract, See col. 2, lines 28-60, col. 4, lines 4-64, col. 5, line 42 to col. 6, line 61; Figs. 2,3,4,9,10,11,12,13)

Regarding claim 7, 8 and 12, Method claims 7, 8 and 12 are drawn to the method of using the corresponding apparatus claimed in claims 1, 2 and 6. Therefore method claims 7,8 and 12 correspond to apparatus claims 1, 2 and 6 and are rejected for the same reasons of anticipation as used above.

Regarding claim 9, Method claim 9 is drawn to the method of using the corresponding apparatus claimed in claim 3. Therefore method claim 9 corresponds to apparatus claim 3 and is rejected for the same reasons of anticipation as used above.

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Regarding claim 10-11, Method claims 10-11 are drawn to the method of using the corresponding apparatus claimed in claims 4-5. Therefore method claims 10-11 correspond to apparatus claims 4-5 and are rejected for the same reasons of anticipation as used above.

4. The prior art made of record is considered pertinent to applicant's disclosure.
 - a. JP Pub. No. 10-312549 to Ono et al., which discloses an optical disk device comprising a control section for controlling track hold of a pickup with respect to an optical disk recording medium, wherein the control section is for measuring an offset amount of a lens relative to the center of the pickup, and performing a track jump when the measured offset amount is not greater than a predetermined value

Response to Arguments

2. Applicant's arguments filed 04/19/2004 have been fully considered but they are not persuasive.

Applicants response to rejection of claims 1-12 as unpatentable over Kang et al.

Applicants argue that Kang et al. does not disclose or suggest control section is for (claim1) measuring an offset amount of a lens relative to the center of the pickup, and (claim 2) for “**initiating/performing**” a track jump when the measured offset amount is not greater than a predetermined value, (claim 3) not performing a tracking processing until the offset amount is not greater than a predetermined value, (claim 4) performing the measurements a plurality of

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times and “**reducing**” the offset amount each time of the measurement to a predetermined value within a predetermined range.

The Examiner cannot concur, because Kang et al. discloses wherein during the track hold (track-following) a pickup the offset amount of the lens relative to the center of the pickup due to eccentricity rotation of the disk is introduced in the tracking error signal detected in the photo detectors and is measured as shown in Fig. 4, and 12, the variation in tracking error due to disk eccentricity introduced in the tracking error signal is measured during track hold/(track-following) (See col. 2, lines 6-26; col. 5, line 66 to col. 6, line 1; Figs 4, 12 and 13)

Kang et al. discloses where the tracking errors signal which contains the offset amount of the lens relative to the center of the pickup due to eccentricity of the disk when measured during the track hold/(track-following), is compared with a particular reference level/ (“predetermined value”) and if a “track jump/kicking” operation is requested, the track jump operation is performed/”initiated” when the tracking error signal which contains the offset amount of the lens relative to the center of the pickup due to eccentricity of the disk measured during track hold/(track-following) is less than or equal to the reference level/ (“not greater than a predetermined value”) (see col. 5, lines 66 to col. 6, line 30)

Kang et al. discloses where tracking errors signal, which contains the offset amount of the lens relative to the center of the pickup due to eccentricity of the disk is measured during the track hold/(track-following) by not performing the tracking processing such as track search, track traverse signal counting and/or track jumps (See col. 6, lines 31-44)

Kang et al. discloses control section is for measuring an offset amount of a lens relative to the center of the pickup a plurality of times, and for **performing a track jump when the**

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offset amount is reduced each time of the measurements to a predetermined value within a predetermined range, by measuring every time the disk makes one rotation and where the disk makes several rotations (see col. 6, lines 45-50)

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., in claim 2, "initiating"; in claim 4, "reducing the offset") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jorge L Ortiz-Criado whose telephone number is (703) 305-8323. The examiner can normally be reached on Mon.-Thu.(8:30 am - 6:00 pm), Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris H To can be reached on (703) 305-4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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W. R. YOUNG
PRIMARY EXAMINER